

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 138, As Amended

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO DANGEROUS OR VICIOUS ANIMALS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3203, IDAHO CODE, TO PROVIDE CRIMINAL PENALTIES FOR FILING FALSE OR FORGED INSTRUMENTS, NOTICES, REPORTS, DOCUMENTS OR CLAIMS AND TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY PRESENT FALSE, MISLEADING OR DECEPTIVE TESTIMONY BEFORE A GOVERNMENTAL COMMISSION; AMENDING SECTION 18-7803, IDAHO CODE, TO FURTHER DEFINE THE TERM "RACKETEERING"; AMENDING CHAPTER 39, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3906, IDAHO CODE, TO PROHIBIT THE IMPORTATION OF A DANGEROUS OR VICIOUS ANIMAL AND TO PROVIDE PENALTIES; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-809, IDAHO CODE, TO PROVIDE FOR NEGLIGENCE ACTIONS AGAINST CERTAIN INDIVIDUALS IN THE EVENT OF INJURY OR DEATH TO A PERSON, LIVESTOCK OR WILDLIFE CAUSED BY A DANGEROUS OR VICIOUS ANIMAL INTRODUCED INTO THE STATE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. Section 1, Article I, of the Constitution of the State of Idaho provides that "All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety." The Legislature finds and declares that a central component of carrying out Section 1, Article I, of the Constitution of the State of Idaho and of state sovereignty is the inherent right of the state to protect the health, safety and welfare of its citizens and prevent cruelty to animals and wildlife within its borders. In a state such as Idaho, it is a compelling state interest for the state to protect the health, safety and welfare of its citizens and to prevent cruelty to animals and wildlife in Idaho. To that end it is the purpose of this act to provide for the full exercise of all the state's rights and responsibilities to protect the health, safety and welfare of its citizens and to prevent cruelty to animals and wildlife. By enacting this legislation, the Legislature declares that the health, safety and welfare of the state will be benefited thereby.

SECTION 2. That Section 18-3203, Idaho Code, be, and the same is hereby amended to read as follows:

18-3203. OFFERING FALSE OR FORGED INSTRUMENT ~~FOR RECORD OR~~ FALSE TESTIMONY. Every person who knowingly procures or offers any false or forged instrument, notice, report, document or claim to be filed, registered or recorded in any public office within this state, which instrument, notice, report, document or claim if genuine, might be filed, or registered, or recorded under any law of this state, or of the United States, ~~is~~

~~guilty of a felony or who knowingly presents false, misleading or deceptive testimony before a governmental commission, whether under oath or not, is guilty of a felony.~~

SECTION 3. That Section 18-7803, Idaho Code, be, and the same is hereby amended to read as follows:

18-7803. DEFINITIONS. As used in this chapter:

(a) "Racketeering" means any act which is chargeable or indictable under the following sections of the Idaho Code or which are equivalent acts chargeable or indictable as equivalent crimes under the laws of any other jurisdiction:

- (1) Homicide (section 18-4001, Idaho Code);
- (2) Robbery, burglary, theft, forgery, counterfeiting, and related crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124, 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607, 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho Code);
- (3) Kidnapping (section 18-4501, Idaho Code);
- (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604, 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);
- (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho Code);
- (6) Assault (sections 18-908 and 18-4015, Idaho Code);
- (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809, 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);
- (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103, 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);
- (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);
- (10) Fraudulent practices, false pretenses, insurance fraud, financial transaction card crimes and fraud generally (sections 18-2403, 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-3203, 18-6713, 41-293, 41-294 and 41-1306, Idaho Code);
- (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703, 23-905, 23-914, 23-928, 23-934 and 23-938, Idaho Code);
- (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);
- (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404, 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);
- (14) Horseracing (section 54-2512, Idaho Code);
- (15) Interest and usurious practices (sections 28-45-401 and 28-45-402, Idaho Code);
- (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1905, 18-1906 and 30-1510, Idaho Code);
- (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);
- (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho Code);
- (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f), 37-2732B, 37-2734 and 37-2734B, Idaho Code);
- (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho Code);
- (21) Terrorism (section 18-8103, Idaho Code);
- (22) Introduction of a dangerous animal (section 25-3906, Idaho Code).

(b) "Person" means any individual or entity capable of holding a legal or beneficial interest in property;

(c) "Enterprise" means any sole proprietorship, partnership, corporation, business, labor union, association or other legal entity or any group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities; and

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this act and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.

SECTION 4. That Chapter 39, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-3906, Idaho Code, and to read as follows:

25-3906. INTRODUCTION OF DANGEROUS ANIMAL. Any person who, with the intention to release, imports a dangerous or vicious animal into the state of Idaho, or intentionally releases that animal into the state of Idaho is guilty of a felony.

As used in this section and in section 6-809, Idaho Code, a "dangerous or vicious animal" is a nondomesticated animal which is known to be a threat to the safety or welfare of persons, livestock, pets or property or which is a member of a species or subspecies which is known to be a threat to the safety and welfare of persons, livestock, pets or property.

SECTION 5. That Chapter 8, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-809, Idaho Code, and to read as follows:

6-809. DEATH OR INJURY TO PERSONS OR PROPERTY BY A DANGEROUS OR VICIOUS ANIMAL. In the event of injury or death to a person, livestock or wildlife, caused by a dangerous or vicious animal, as defined in section 25-3906, Idaho Code, introduced into the state of Idaho, there shall exist a civil cause of action for negligence against any individual who introduced or protected the dangerous or vicious animal by the person harmed or the person's estate or the owner of livestock or pets or by a person suffering an economic loss or otherwise harmed by the dangerous or vicious animal.

For purposes of this section, "individual" shall mean any person performing a primary role in the introduction or protection of the dangerous or vicious animal or a person charged with their management whose negligence facilitates the potential for injury or death or economic losses to occur.

A person performing a primary role is a person who has a duty to protect the life and property of others and whose negligence allows the introduction. A person performing a primary role is also a person who participates in the introduction of a dangerous or vicious animal, or who protects them after their introduction.

"Introduction or protection" does not include a person who prevents hunting or trespassing on land owned or controlled by that person.

The exceptions to governmental liability provisions of chapter 9, title 6, Idaho Code, shall be applicable.

1 SECTION 6. The provisions of this act are hereby declared to be severable and if any
2 provision of this act or the application of such provision to any person or circumstance is
3 declared invalid for any reason, such declaration shall not affect the validity of the remaining
4 portions of this act.

5 SECTION 7. An emergency existing therefor, which emergency is hereby declared to
6 exist, this act shall be in full force and effect on and after its passage and approval.